

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

**SAINT-GOBAIN ABRASIVES, INC.,**

**Plaintiff,**

**v.**

**KOHLER CO.,**

**Defendant.**

**CIVIL ACTION No. 04-40199-FDS**

**KOHLER CO.,**

**Counterclaim Plaintiff,**

**v.**

**SAINT-GOBAIN ABRASIVES, INC.,**

**Counterclaim Defendant.**

**CERTIFICATION BY DEFENDANT AND COUNTERCLAIM PLAINTIFF KOHLER  
CO., PURSUANT TO L.R. 16.1(D)(3)**

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Defendant and Counterclaim Plaintiff Kohler Co. ("Kohler"), and its counsel, hereby certify to this Court that Kohler and its counsel have conferred:

(a) with a view to establishing a budget for the costs of conducting the full course, and various alternative courses, of the litigation; and

(b) to consider the resolution of litigation through the use of alternative dispute resolution programs such as those outlined in L.R. 16.4.

Respectfully submitted,  
KOHLER CO.,  
By its Attorneys,

/s/ Joseph M. Alden

George C. Rockas, BBO # 544009

Joseph M. Alden, BBO #654124

WILSON, ELSER, MOSKOWITZ,

EDELMAN & DICKER, LLP

155 Federal Street

Boston, MA 02110

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KOHLER CO.,  
By its duly authorized representative:

/s/ Richard Cinealis (jma)  
Richard Cinealis

Dated: March 2, 2005

**CERTIFICATE OF SERVICE**

I, Joseph M. Alden, hereby certify that I have on this 2<sup>nd</sup> day of March 2005 electronically filed the foregoing Local Rule 16.1(D)(3) Certification on Behalf of Defendant and Counterclaim Plaintiff Kohler Co., and I have served a courtesy copy of the same on March 2, 2005, by first class mail, postage prepaid, upon all parties and/or counsel of record as follows:

Robert L. Hamer, Esquire  
Michele P. Rosano, Esquire  
Mirick, O'Connell, DeMallie & Lougee, LLP  
100 Front Street  
Worcester, MA 01608-1477

/s/ Joseph M. Alden

Joseph M. Alden